

1 School officials have the authority to conduct reasonable searches of students and to seize
2 students' unauthorized materials for the purposes of maintaining a safe, orderly environment and
3 upholding standards of conduct established by the [Transylvania County Board of Education \(the](#)
4 ["board"](#)) or school. Any searches or seizures must be conducted in accordance with the
5 standards described in this policy and any other applicable legal requirements. All school
6 officials carrying out a search or seizure are expected to be knowledgeable about the
7 constitutional rights of students and the appropriate procedures for conducting the search or
8 seizure. A search must be justified at its inception and permissible in scope. School officials
9 shall make reasonable, good faith efforts to investigate allegations of misconduct before a
10 student search is conducted.

11
12 This policy applies to searches conducted on school grounds, in school facilities, or at school-
13 sponsored events.

14
15 Policy 3225/4312/7320, Technology Responsible Use, not this policy, applies to the search of
16 school system-owned technological resources and the data located on school system-owned
17 electronic equipment.

18
19 **A. SEARCHES BASED ON INDIVIDUALIZED REASONABLE SUSPICION**

20
21 A student or the student's possessions may be searched when a school official has
22 reasonable suspicion that the search will turn up evidence that the particular student has
23 violated or is violating a specific law or school rule. This reasonable suspicion must be
24 based upon specific and articulable facts, which have been acquired through reliable
25 and/or corroborated information from employees, students, law enforcement officers, or
26 other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or
27 marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the
28 circumstances and the school official's professional judgment. The scope of the search
29 and the methods used to conduct the search must be reasonably related to the objectives
30 of the search and not excessively intrusive in light of the age and sex of the student and
31 the nature of the infraction.

32
33 Reasonable suspicion is not required if a student freely and voluntarily consents to the
34 search of his or her person or possessions.

35
36 In accordance with the standards described above, the board authorizes the following
37 types of searches based on reasonable suspicion.

38
39 **1. Searches of Personal Effects**

40
41 School officials may search a student's desk, locker, and/or personal effects,
42 including but not limited to purses, book bags, and outer clothing. Policy 4318,
43 Use of Wireless Communication Devices, addresses the circumstances under

44 which searches of student cell phones and other electronic devices may be
45 conducted.

46
47 **2. Searches of Motor Vehicles**

48
49 School officials may search the interior of a student's motor vehicle.

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51 **3. "Pat-down" Searches**

52
53 A school official may conduct a frisk or "pat-down" search of a student's person.
54 The search must be conducted in private by a school official of the same gender
55 with an adult witness present.

56
57 **4. More Intrusive Personal Searches**

58
59 More intrusive personal searches are discouraged and are to be used only in very
60 limited circumstances. A personal search is more intrusive when it extends
61 beyond a student's personal effects and outer clothing and potentially exposes
62 intimate body parts and/or undergarments. Such intrusive personal searches will
63 be permissible only if: (1) the school official has reasonable suspicion that a
64 search of a particular student will yield dangerous contraband (e.g., drugs or
65 weapons); and (2) the school official has reasonable suspicion that the student has
66 hidden the contraband in his or her undergarments. This search must be
67 conducted in private by a school official of the same gender, with an adult witness
68 of the same gender present, and only with the prior approval of the superintendent
69 or designee, unless the health or safety of students will be endangered by the
70 delay that might be caused by following these procedures. Body cavity searches
71 and searches that require a student to completely disrobe are strictly prohibited.

72
73 **5. Metal Detector Searches**

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75 Except as provided in Section B.2, below, a metal detector may be used to search
76 a student's person and/or personal effects. The search must be conducted by a
77 school official and will be done in private, when feasible.

78
79 **B. SUSPICIONLESS GENERAL SEARCHES**

80
81 In an effort to maintain a safe, drug-free, and weapon-free learning environment, school
82 officials may conduct certain types of general, suspicionless searches in the schools. All
83 general searches must be conducted in a minimally-intrusive, nondiscriminatory manner
84 (e.g., all students in randomly selected classrooms, every third individual entering a
85 school-sponsored extracurricular activity) and may not be used to single out a particular
86 individual or category of individuals. The searches must be conducted in accordance
87 with standardized procedures established by the superintendent or designee. Absent

88 exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general
89 searches, school administrators must: (1) demonstrate to the superintendent or designee
90 the need for general searches based upon a pattern or expectation of violence, drug
91 activity, or disruption; and (2) provide written notice to students and parents of the school
92 policy and/or procedures governing general searches, but not of specific times when or
93 places where searches will be conducted.

94
95 When conducted in accordance with the standards described above and any
96 corresponding procedures, the board authorizes the following types of general,
97 suspicionless searches.

98
99 **1. Searches of Desks and Lockers**

100
101 School officials may conduct routine searches of student desks and lockers.
102 Student desks and lockers are school property and remain at all times under the
103 control of the school. However, students are expected to assume full
104 responsibility for the security of their desks and lockers. Student desks and
105 lockers may not be used to store illegal, unauthorized, or contraband materials.

106
107 A student's personal effects found within a desk or locker, such as a backpack,
108 gym bag, or purse, may be searched only in accordance with the guidelines for
109 individualized searches of personal effects described in Section A, above.

110
111 **2. Point-of-Entry Metal Detector Searches**

112
113 Due to the increasing problem of weapons in schools, school officials may use
114 metal detectors to conduct general point-of-entry searches of students and other
115 persons for weapons.

116
117 **3. Use of Trained Dogs**

118
119 With the prior approval of the superintendent, and in conjunction with local law
120 enforcement, school officials may use trained dogs (canines) to locate illegal
121 materials. All dogs must be accompanied by a certified and authorized trainer
122 who is responsible for the dog's actions and who is able to verify the dog's
123 reliability and accuracy in sniffing out illegal material. Trained dogs may sniff
124 lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may
125 not be used to sniff students or other persons under any circumstances. No
126 students should be present during a dog search. Before a search occurs in a
127 classroom, students will first be moved to a location outside the classroom.

128
129 **C. SEIZED ITEMS**

131 Any illegal contraband seized by school officials must be promptly turned over to the
132 proper law enforcement authorities.

133
134 **D. FAILURE TO COOPERATE**

135
136 A student’s failure to cooperate with a reasonable search or seizure as provided in this
137 policy will be considered a violation of the expected standard of behavior, and will
138 subject the student to appropriate consequences.

139
140 Any person who is not a student who refuses to permit a general metal detector search of
141 his or her person and/or belongings at the point-of-entry to a school-sponsored activity
142 may be denied entry to the activity.

143
144 **E. NOTICE**

145
146 School principals shall take reasonable steps to provide notice of this policy to students
147 and parents at the start of each school year.

148
149 Legal References: U.S. Const. amend. IV; *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *Safford*
150 *United School District #1 v. Redding*, 557 U.S. 364 (2009); G.S. 115C-47, -288, -307, -390.2

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152 Cross References: Technology Responsible Use (policy 3225/4312/7320), School Plan for
153 Management of Student Behavior (policy 4302), Use of Wireless Communication Devices
154 (policy 4318), School-Level Investigations (policy 4340)

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156 Adopted:
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